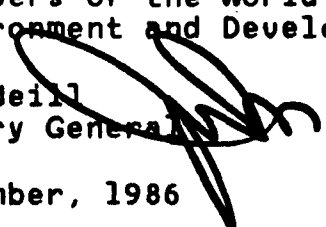




SIXTH MEETING  
Harare, Zimbabwe  
September, 15 - 20, 1986

WCED/86/23

TO: All Members of the World Commission  
on Environment and Development

FROM: Jim MacNeill  
Secretary General 

DATE: 5 September, 1986

RE: Discussion Paper on Major Thrusts and Draft  
Proposals for Changes in the Institutional and  
Legal Framework: for post-Harare development  
into Chapter 13

The Commission decided at an early stage in its work that it would consider proposals for change in the institutional and legal framework only after it was well advanced on its analysis and assessment of the key substantive issues and their implications. Although institutional and legal questions have been discussed at earlier meetings, both on an ad hoc basis and in the context of the Panel Reports, the Harare meeting will be the first opportunity for a full and deliberate discussion on the topic.

In Ottawa, you will recall that the Chairman asked Maurice Strong to lead the Commission's work in this field. This discussion paper reflects extensive discussions with him in Geneva and New York but, due to the pressure of time, it was not possible for him to review it before it went out.

This paper brings together some proposals that arise out of our work, as well as suggestions from various sources, including :

- the Commission's earlier discussions;
- informal discussions with various Commission members;
- reports by the Panels, the Experts Group on Environmental Law (see WCED/86/23/Add.1), and others;
- informal discussions with government Ministers and senior officials, senior officials from international organizations, NGO leaders and others;
- the presentations at the public hearings.

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Since this is the first bringing together of various proposals arising out of the Commission's analyses, and suggestions received from various sources, it was felt premature to attempt to put them in the form of a draft chapter. Instead, we have put them into a discussion paper, organized to enable the Commission to proceed through it systematically and to provide necessary direction for further work. Given that, a draft chapter can be prepared for discussion in Harare.

Members of the Commission have frequently referred to the need to focus attention on a limited number of key messages and major thrusts. This is particularly important with respect to changes in the institutional and legal framework. Given their sensitivity, and the built-in resistance to any significant change, there must be a clear and compelling context for the proposals, justified by the analysis and conclusions in the preceding chapters of the report.

A reading of the analysis and conclusions suggests about eight major thrusts for the Commission's recommendations on institutional and legal change. These are set out in the introduction to the discussion paper and the major proposals and suggestions for change are set out under these thrusts.

Draft Paper on

MAJOR THRUSTS AND PROPOSALS  
FOR CHANGES IN THE INSTITUTIONAL AND LEGAL FRAMEWORK

For Discussion

(and for post-Harare development in Chapter 13)

The Commission's analysis and conclusions suggest about eight major thrusts for its recommendations on institutional and legal change. These include the need to:

1. integrate environment/development into central economic, trade, finance and sectoral policies; in governments; in international organizations, especially the UN system; in development assistance agencies; the multilateral banks; etc.
2. establish the institutional capacity needed to assess and report on critical threats to survival, security and well-being;
3. strengthen existing environmental protection and resource management agencies;
4. increase and strengthen the institutional capacity for regional and sub-regional economic, environment and development co-operation and action;
5. strengthen and extend the institutional capacity for the management of international commons;
6. establish a binding legal framework reflecting the new imperatives for state and inter-state behaviour;

7. expand the role and participation of NGO's, the scientific community and industry;
8. allocate significantly increased financial resources to securing and maintaining sustainable development.

The major proposals and suggestions for change are set out below under these eight main thrusts. In some cases, they are preceded by a summary of the relevant messages from the analysis and conclusions of the report.

1. INTEGRATE ENVIRONMENT/DEVELOPMENT INTO CENTRAL  
ECONOMIC, TRADE, FINANCE AND SECTORAL POLICIES

Some Related Messages and Supporting Conclusions

- the transition through the year 2000 and beyond and the new unity of environment and development;
- the historical divorce of institutional responsibility for central economic, trade and sectoral policy on the one hand and for environmental protection and resource management on the other, results in policy paths to development that are non-sustainable; only the institutional marriage of the two can lead to policy paths that are sustainable;
- the need to bring environment and sustainable development into the centre of economic, trade and sectoral policy development and decision-making;
- nationally and internationally, societies must move from largely "react-and-cure" to "anticipate-and-prevent" approaches;
- "anticipate and prevent" means getting at the "sources by building responsibility for environmental protection and sustainable development into the mandates and agendas of the central and sectoral agencies of government, international organizations, development assistance agencies, banks, etc;
- new, integrated economic and ecological data bases and accounting systems are needed to provide a realistic measure of national growth/decline and of the impact of growth on future prospects for development.

At the National Level

1. Legislatures should incorporate sustainable development objectives and criteria in the formal mandates of legislative committees dealing with macro-economic, trade, foreign, and sectoral development policies and programmes;
2. Governments should incorporate sustainable development objectives and criteria in the formal mandate and responsibilities of all central policy departments (i.e. economic planning, finance, trade, foreign affairs) and sectoral agencies (i.e. agriculture, energy, industry, etc.), and into the terms of reference of the corresponding Cabinet Committees.
3. Governments should make those departments now responsible for macro-economic development policy, planning and priorities, and the corresponding Cabinet Committees, equally responsible for policies to protect, restore and improve the national patrimony, especially its stock of resource and environmental capital (i.e. lands, forests, waters, genetic resources, etc.).
4. Governments should designate a senior Minister responsible for compiling and issuing an annual report and audit (to compliment the budget) on changes in the quality of the nation's environment and in the stock of the nation's assets of natural resource capital.
5. Governments should establish a special Council and/or Office for Sustainable Development attached to a senior, central department:

- to assess and advise on the implications for sustainability of economic, finance, trade, energy, agriculture and other sectoral policies;
  - to oversee the introduction and application of sustainability criteria and assessments in all departments, including the wider use of economic instruments to internalize the full costs of production.
  - to assess resource, environmental and basic survival issues;
6. Governments should establish a foreign affairs and trade policy for environment and sustainable development embracing environmental security, development assistance, foreign investment, commodity imports and exports.

At the International Level

1. Governments should incorporate sustainable development objectives and criteria into the formal mandates of all major international bodies, in the UN system, and make them responsible for integrating environmental protection and sustainable development in their programmes and projects: especially UNDP, FAO, WHO, UNIDO, UNCTAD, IAEA, the Regional Economic Commissions, the World Bank and regional development banks, GATT.



2. The UN General Assembly should give the UN Office of the Director-General for Development and International Economic Co-operation the overall responsibility for ensuring that sustainable development objectives and criteria are applied throughout the UN system\*. The Office of the Director-General should be vested with the authority and resources necessary for example:

- to introduce a system of integrated economic and ecological accounting;
- to introduce and monitor a process of assessing the sustainability of key policies and programmes;
- to identify areas of resource degradation leading to environmental aggression, social breakdown and threats to security, and to report annually thereon to the Security Council;
- to submit special reports thereon to ECOSOC, the General Assembly or the Security Council, as appropriate.

3. The UN Secretary General should constitute a special UN Board for Sustainable Development consisting of the Presidents/Chairmen of key intergovernmental bodies of the UN system and the executive heads of the key agencies, chaired by the Director-General for Economic Co-operation and Sustainable Development. The Board's principal function would

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\* The new responsibility might be accompanied by a new title such as the "Office of the UN Director-General for Economic Co-operation and Sustainable Development"

be: to agree on combined tasks to be undertaken jointly by the agencies to deal effectively with critical issues of survival and sustainable development that cut across agency and national boundaries.

4. The World Bank and the IMF should each establish a top level office with the authority and resources to ensure that all policies, projects and loan conditions support and lead to sustainable forms of development. An overall annual assessment by that Office should be published in the "World Development Report".

2. ESTABLISH A WORLD INSTITUTIONAL CAPACITY TO ASSESS AND REPORT ON CRITICAL THREATS TO SURVIVAL, SECURITY AND WELL-BEING

Some Relevant Messages and Supporting Conclusions

- the transition and the growing frequency and scale of crisis (and opportunities) stemming from unsustainable pressures on the environment and resource base for development<sup>1)</sup>
- the growing number of cases where the capacity of ecosystems to assimilate and support development pressures is being exceeded; and the opportunities they provide to reverse unsustainable practices;
- the lack of capacity for independent assessment of the cumulative impacts of national policies and development practices on ecodevelopment systems of neighbouring states, regions and the international commons;
- the political and structural constraints on intergovernmental bodies to undertake and publish critical information and data and such independent assessments;
- the need for an independent body, linked to governments, the UN system and other intergovernmental bodies, before which NGO's and other have standing, and through which information and independently "peered" information, analysis and assessments can be brought formally to the attention of governments, intergovernmental bodies and public opinion;

- the need, based on the Commission's experience, to expand fact-finding through public hearings on critical issues threatening the survival, security and well-being of all or a majority of peoples regionally or globally;
- although growing number, role and impact of multinational enterprises and non-governmental organizations, remain largely excluded from decisions about what goes on the agenda of intergovernmental organizations.

#### At the International Level

1. The UN General Assembly should secure the establishment of an independent "World Survival Commission"<sup>2)</sup>

- to identify and assess all environment and development issues bearing on the survival, security or well-being of all or a majority of peoples globally or regionally;
- to anticipate special threats, identify their sources in policies or activities and
  - . propose options for change to prevent or reduce them; or, if too far advanced,
  - . propose options for action to deal with the effects of crisis, restore damage, or adapt to it;

- to receive information thereon from all official and non-official sources, notably
    - . Committees of Scientific, Economic and Legal Advisors;
    - . Chairmen/Executive Directors of intergovernmental agencies;
    - . media;
    - . non-governmental organizations;
    - . public hearings.
  - to prepare and submit regular and special reports thereon with recommendations for action to governments, intergovernmental organizations, the UN General Assembly, and for special cases endangering inter-state peace and security, to the UN Security Council;
2. The Membership of the "World Survival Commission" should consist of a limited number of eminent individuals which together would reflect a broad cross-section of the major disciplines, vocations and regions around the world.
  3. The Chairman and Members should be selected by a specially constituted nominating committee, chaired by the UN Secretary-General, of leading but independent persons (including, for example, leaders nominated by ICSU and IUCN). Members would be appointed for fixed terms (renewable?) with a formula for changing at least part of its membership every two to three years.
  4. Not operational itself in the sense that it would not actually operate monitoring or information systems, the "World Survival Commission" would have the right to

receive from governments and international organizations all data and information on issues with which it is dealing, and would call their attention to additional monitoring and information needs.

5. Small, "The World Survival Commission" would use existing national and international institutions for assistance in evaluating the data and information it is considering, but it would have a sufficient capacity of its own to enable it to translate the information and analysis available into credible reports and recommendations to the world community.
6. Standing Committees of Advisors would be appointed by the Commission, including world scale scientific, economic and legal authorities. They would be appointed on the advice of appropriate international bodies (such as the International Council of Scientific Unions) and would be broadly representative of relevant disciplines and regions of the world.
7. Methods of work would include special enquiries and public hearings. All governments, institutes and non-governmental organizations would have the right to bring issues to the attention of the Commission and to intervene in its public hearings.
8. Independent, the funding of the "World Survival Commission" should be provided through voluntary contributions by States, foundations and other private sources and/or through one or more of the new international revenue sources proposed later. (See Section 8).

Footnotes for Section 2

1) Swedish Red Cross Report;

2) This name was proposed as a provisional title in a memorandum from Maurice Strong to the Commission Chairman. Mr Strong also pointed out, however that "some may think this has too much of a 'Doomsday' connotation. Another possibility would be 'World Commission for the Common Future'. The name would need further consideration but for purposes of this memorandum, I will refer to it as the 'World Survival Commission' or 'WSC'".

3. STRENGTHEN EXISTING ENVIRONMENTAL PROTECTION AND  
RESOURCE MANAGEMENT AGENCIES

Some Related Messages and Supporting Conclusions

- if the transition trends are to be shifted in the direction of anticipation and prevention, reversing economic decline, and more sustainable forms of development, priority in institutional development must be given to building responsibility for sustaining and enhancing the environmental and natural resource base of development into the mandates, policies, programmes and budgets of the key central and sectoral agencies now responsible for the "alternative" or "source" agendas, nationally and internationally.
- given the momentum of the transition trends, however, the now rapid decline in environmental and resource stocks will accelerate for some time, especially in developing countries, along with an increasing frequency and scale of crisis and growing threats to security; and with it the need for stronger institutions for environmental protection and resource management reoccupied with the "standard" or "effect-oriented" agendas, nationally, regionally and globally.
- The quality of the environment is the central concern of the effects-oriented agenda at the national level expresses itself in institutions, policies and laws organized around substances and products, on industries and urban regions, and on



environmental resources such as air, water, soil, forests, coastal and marine waters, fish and wildlife and their habitats. These institutions have, or should have access to strong systems and networks for data collection and monitoring, and scientific research, planning and development.

- only a few industrialized countries have the institutional capacity, expertise and resources needed to deal with the new generations of effects issues, and institutional development is the major priority task of most developing countries, a task for which stronger international support programmes are required;
- at the international level, concern for effects issues has expressed itself in one global and a number of regional and bilateral institutions;
- in the UN system, the central and co-ordinating agency is the United Nations Environment Programme (UNEP);
- On its formal establishment in 1972 by the UN General Assembly, UNEP was given a broad and challenging mandate to stimulate, co-ordinate and provide policy guidance for the environmental action of the UN system. That mandate was to be carried out by a 58 member states Governing Council; a high-level UN inter-agency Environment Co-ordination Board (ECB), a relatively small secretariat located in Nairobi; and a voluntary fund of US\$20 million annually (now \$30 million annually). Since then the tasks and activities of UNEP have increased tremendously but without any significant parallel increases in either UNEP's professional staff or the fund.

UNEP PROJECTS AND FUND, 1973-1985

(to 31 December 1985 in US \$ million)

	<u>Proj. Comp</u>	<u>Proj. Ong.</u>	<u>Proj. Total</u>	<u>UNEP. Fund</u>	<u>Total Costs</u>	<u>UNEP Fund %</u>
Environmental Assessment	86	47	133	\$54.0	\$185.9	28.2
Environmental Management	367	211	578	\$140.2	\$337.8	41.5
Support Measures	215	69	284	\$ 69.1	\$137.2	50.4
	<u>648</u> ===	<u>327</u> ===	<u>995</u> ===	<u>\$263.3</u> =====	<u>\$660.9</u> =====	<u>39.8%</u> =====

- UNEP deserves credit for what it has achieved over a broad range of activities with its limited staff and budget. In recent years, however, there have been increasing calls to reduce the breadth of UNEP's activities and to concentrate its limited staff and financial resources on fewer priority activities. This has not happened, largely because the member states of the Governing Council have been unable to reach consensus on what those priority areas of concentration should be.
- UNEP recently completed an internal evaluation (which was circulated to the Commission prior to Ottawa), but it focussed on how to strengthen UNEP within its existing mandate. It does not appear to have addressed the fundamental question of the role that UNEP should now play, nearly a decade and a half after the Stockholm Conference.

### Monitoring, Assessment and Reporting

- While more is known about the state of the global environment now than a decade ago, there are still major gaps, and a very limited international capability for monitoring, collecting and combining basic and comparable data needed for authoritative overviews of issues and trends. Without such a capability and overview, the essential basis for setting priorities and developing effective policies to protect and restore the ecological basis for development will remain limited. UNEP can and should be the authoritative central source in the UN system for environmental and resource monitoring and data assessment and reporting, and for setting the global agenda for scientific research and technological development on environmental and resource protection.

### Environmental Protection, Management and Training

- UNEP has drawn the attention of governments and peoples of the world to special environmental problems (including desertification, deforestation, soil degradation, climatic changes, spread of potentially toxic chemicals, negative environmental impacts of production and use of various energy sources, problems of industry, marine pollution) and has developed international and regional plans of action. The Regional Seas Programme has been a particularly successful approach and model which might be extended to other areas, particularly international river basins.
- UNEP has played a significant role in developing many other action plans and strategies (e.g. World Conservation Strategy, World Soils Policy, Marine Mammals, Desertification, International Pest Control Strategy); in negotiating and implementing

international conventions (e.g. CITES, Migratory Species Convention, Protection of the Ozone Layer, Tropical Timber); and in preparing global guidelines and principles for action by governments (e.g. banned and severely restricted chemicals, marine pollution from land-based sources). UNEP's intrapreneurial role in the UN system, of identifying critical environmental and resource degradation issues and developing self-financing international agreements and action plans for them can and should be reinforced and extended as a matter of priority.

- UNEP has also established technical and environmental management training courses which should be expanded.

#### Intergovernmental Agenda and Participation

- The agenda and level of participation at UNEP Governing Council sessions needs to change. Governing Council sessions and documentation in the past have been too pre-occupied with administrative and budgetary questions, with too much time devoted to Environment Fund management and too little time to issues of environmental management. Since the late 1970's, one consequence, and perhaps a cause as well, is that (with the exception of 10th Anniversary Session in 1982), only around 20 per cent of the approximately 350 delegates has been a Minister or senior policy adviser from national environment or resource departments. When such senior officials are not at UNEP sessions, then the possibilities of affecting national policies and programmes are severely limited.

- Many countries now have permanent representatives in Nairobi, and administrative and budgetary matters could and should be handled on a regular basis by them between sessions, leaving more time at the session for focussing on key environmental assessment, protection, and natural resource management issues.
- Participation at the sessions should also be extended to encourage and facilitate the more meaningful involvement of major scientific and environmental NGO's.

#### Environment Fund

- The voluntary funding base for UNEP is too limited and vulnerable for an international fund dedicated to serving and protecting the common interests, security and future of mankind. Two thirds of the voluntary funds are provided by only five countries, and over sixty UN members do not contribute at all.
- Sources of funding other than voluntary contributions should also be developed. In his opening Statement to the 1972 Stockholm Conference, the Secretary-General of the Conference cited four specific needs, one of which was "new approaches to more automatic means of financing programmes of international co-operation, which could include levies and tolls on certain forms of international transport or on the consumption of certain non-renewable resources". A range of possibilities were eventually presented to the Governing Council in 1981, but the discussion focussed largely on the proposal for a "special window" in the Environment Fund. Other possibilities should be seriously examined and developed as a matter of imminent necessity.

## At the International Level

### In the UN system

1. Proposals has been made above to strengthen the capacity of the Un system to deal with the sources of critical environmental and resource issues. In particular, it has been proposed to build responsibility for the sustainability of environment and natural resources into the mandates of all UN organizations. It has also been proposed that the UN Director General for Development and International Economic Co-operation be given the responsibility, authority and resources needed to ensure that sustainable development objectives and criteria are applied throughout the UN system. This would be co-ordinated through a new UN Board for Sustainable Development consisting of the Presidents/Chairmen of key UN intergovernmental bodies and executive heads of the key organizations, chaired by the Director General.
2. In fulfilling these new mandates and responsibilities, the following 10 of the 30 sub-programmes presently undertaken by UNEP should be carried out by the respective UN organizations as an integral part of their programmes and as priorities within their own budget allocations.
  - WHO      - Environmental Health (# 15)
  - FAO      - Agricultural Chemicals and Residues (# 16)
  - UNCHS    - Human Settlements (# 17)
  - UNDRO    - Natural Disasters (# 18)
  - UNIDO    - Industry and Transport (#20)
  - ILO      - Working Environment (# 23)

- UNDA - Arms Race and the Environment (# 24)
- DIESA - Environmental Aspects of Development Planning and Co-operation (# 25)
- UNESCO - Education (# 29)
- UNDP - Technical Co-operation (# 30)

3. Within this new UN-system wide priority commitment and effort on sustainable development, the special and necessary roles of UNEP would be: (1) the authoritative central source in the UN system for environmental monitoring, assessment and reporting; and (2) as the advocate and agent for change regarding critical environment and natural resource protection and management issues.

4. UNEP'S major priorities would be:

- to monitor, assess and report regularly on changes in the state of the environment and natural resources (Earthwatch);
- to identify critical environment and natural resource protection and management issues;
- to set and co-ordinate a priority scientific research agenda on those issues;
- to develop self-financing action plans and international agreements to deal effectively with them;
- to develop and provide training programmes.

### Earthwatch

5. Within Earthwatch, the monitoring, assessment and state of the environment reporting functions of UNEP should be significantly strengthened and accelerated, and should have priority over all other activities in the allocation of staff and financial resources now and through at least the 1990-95 medium-term plan.

- The Global Environment Monitoring Systems (GEMS) should be expanded as rapidly as possible.
- The development of the Global Resource Information Data Base (GRID) should also be accelerated to bridge the gap between assessment and management by focussing data on specific environmental management problems in specific geographical areas.
- An authoritative and comprehensive report on the State of the World's Environment should be prepared and published under the authority of the UNEP Executive Director every fourth year: in each of the three intervening years, there should be special annual reports, each focussed on a single critical environmental protection or natural resource management issue.
- A special "Earthwatch Trust Fund" should be established specifically for providing technical assistance and training for strengthening the environmental monitoring, assessment and reporting capabilities in developing countries.

### Environmental Protection and Management

6. In its future work on critical environmental and resource protection issues, UNEP should focus on:



- global and regional action plans and agreements for the conservation of species and ecosystems of international significance (with tropical forests as the initial priority);
- advice and assistance to developing countries in establishing and implementing national conservation strategies, working primarily through IUCN and UNDP;
- extending existing and proposed international agreements reached at the regional level (e.g. on chemicals and hazardous wastes), and to accelerate or launch negotiations on new international conventions, protocols and agreements;
- extending the Regional Seas programme and agreements for intergovernmental co-operation on monitoring and assessment into self-financing action plans for protection and improvement (see separate section on "Regional Seas,...");
- developing a similar programme for getting international agreements and self-financing action plans for the environmentally sound management of international river basins;
- developing guidelines for environmental protection and natural resources management;
- developing through IUCN/ELC a roster and self-financing facility to assist countries on request: (1) to strengthen their national environmental protection and natural resources management legislation; and (2) to avoid and settle international environmental disputes through modalities such as mediation and conciliation.

### Support Measures

7. Of the six sub-programmes listed under "Support Measures" in the current UNEP Programme:

- three sub-programmes should be taken over by other agencies: i.e.
  - . "Environmental Aspects of Development Planning and Co-operation" by the Un Department of International Economic and Social Affairs (DIESA);
  - . "Education" by UNESCO;
  - . "Technical Co-operation" by UNDP;
- the "Environmental Law" sub-programme should be under "Environmental Protection and Management";
- The "Information" and "Training" sub-programmes should be incorporated as an integral part of nearly all activities;

### Technical Assistance

8. Governments should agree to designate UNEP as a UNDP executing agency, and to allocate some funds from the Environment Fund for an initial period (not to exceed three years) to establish a Technical Assistance Unit in UNEP which would be financed thereafter entirely by the UNDP overhead allowance.

### Co-ordination and Co-operation

9. Co-operation and concerted action in the UN system on sustainable development would be the responsibility of the UN Director-General and the UN Sustainable Development Board proposed above.

10. Co-operation and concerted action in the UN system on environment and natural resources protection and management; UNEP should have

- an inter-agency Environment Protection Committee linked to the Sustainable Development Board; and/or
- a limited number of standing groups with essential, specific and intrinsically inter-agency tasks (e.g. global monitoring and assessment through GEMS, GRID);
- special ad hoc meetings as necessary on critical environmental protection issues which cross agency boundaries and require concerted action (e.g. chemicals control).

The Intergovernmental Body

11. Governments should agree to meet every two years at the level of Ministers (with their senior policy and scientific advisors);
12. Governments should change the emphasis of the current agenda on administrative, budgetary and inter-agency matters to an agenda focussed on (1) the implications for current national and international policies and programme priorities of the "Earthwatch" and other major reports; and (2) the implementation of existing and development of new action plans and international agreements on critical environment and natural resource protection and management issues.

14. Governments should examine at each meeting the environmental aspects and implications of one or two key policy areas (e.g. agriculture, trade, health, forestry, human settlements), with the discussion launched by the executive head of the most relevant UN agency.
15. Governments should assign primary responsibility for administrative and budgetary questions at and between meetings to its Bureau or an expanded Bureau/Executive Committee and/or a representative Committee of Nairobi-based Permanent Representatives/UNEP Focal Points.
16. Governments should encourage and make special provisions for the meaningful participation of major scientific and environmental NGO's (and change the rules of procedure accordingly).

#### The Environment Fund

17. All governments should contribute, or substantially increase the present contributions, to the Environment Fund to a target level of at least \$...million by 1990.
18. The Environment Fund should be used directly to implement the new programme priorities in co-operation and on a "best value for money" basis with the most relevant and effective organizations within and outside the UN system.
19. Governments should agree to put in place new and more assured sources of funding (see especially section 8 on "Revenue from Use of the International Common").

Doc. 0174w

25 March 1986

**"UNEP IN THE NEXT DECADE"**  
**Executive Summary of the Seminar Deliberations**  
**Note by the Executive Director**

**Introduction**

The 3 day seminar (Nairobi, 17-19 February 1986) represented the pinnacle of a comprehensive self-evaluation exercise undertaken by UNEP during the previous 5 months. The seminar had before it the findings of the evaluation. The present note is based on:

1. The review papers considered by the Seminar;
2. Review of UNEP Regional activities by the Directors of Regional and Liaison Offices;
3. Summary of the deliberations;
4. Recommended priorities by Senior Advisers;
5. Note by the Ambassadors who participated in the Seminar.

It attempts to give a very brief summary of the main conclusions of the Seminar essentially with respect to present trends that should be followed by the Secretariat.

The following points seemed to have emerged as a consensus from the deliberations of the Seminar. Overall the seminar endorsed the conclusions of the evaluation and considered the long and intensive internal exercise reflected a commendable spirit of constructive self-criticism. It was further noted by several Ambassadors and Senior Advisors that the evaluation was sometimes overly self-critical.

**Deliberations of the Seminar**

**I. Overview**

**(a) Successes and Failures:**

Since its inception, UNEP had undertaken some 1000 projects, which costed UNEP some \$260m.. Supporting Organizations and Cooperating Agencies contributed to the cost of these projects about \$370m.. Over and above these projects induced governments to spend some US\$700m. in support of national, monitoring stations, research, preparations for meetings. etc. The Environment Fund contributions thus catalysed 4 times as much resources from CA, SOs and governments.

UNEP had been successful:

- (a) where governments were involved in defining and developing the activity e.g. in Regional Seas or Environmental Law;
- (b) in long-term large programmes with governments or the U.N.. In future we should refrain from small isolated projects;
- (c) in activities of multidisciplinary character addressing major problems;
- (d) where UNEP was well equipped and therefore, knew what to do and could take the lead in undertaking activities.

UNEP failures were of 2 categories:

Those of management included poor formulation of the projects, poor monitoring and poor follow-up. The substantive failures arose where there was no integration of assessment and management - or where UNEP had failed to make an adequate intellectual impact.

If UNEP activities are seen by themselves they could appear to be an incoherent package. They should be seen in the context of other U.N. activities, the SWMTEP giving the complete picture. Often, the Governing Council is not always clear when it is acting as GC for the UN system environmental activities as a whole and when it is guiding the UNEP secretariat. Further, it was anomalous that Governments clamoured for coordination when they did not achieve it between their own delegations to governing bodies of different UN agencies.

(b) Future trends

(i) Concentration (Programmatic)

Concentration at the programme level is necessary. However, merging or suppressing sub-programmes is not the best way to achieve it and such recommendations would not be easy issues for the Governing Council. All the existing sub-programmes were included in the UNEP Programme at the initiative of either the Governing Council or the UN system in developing SWMTEP. These sub-programmes should all be retained and concentration should be expressed in the biennial Programme Budget Documents where UNEP could be dormant in some sub-programmes by allocating few funds and giving priority to some activities in other sub-programmes. In such areas UNEP can apply its catalytic role without spending too much money or effort as it has done for example, in the Working Environment.

In concentrating, UNEP should be guided by the following considerations:

(1) where no other organization is doing or can do the job; (2) the problem to be tackled should be of a multidisciplinary nature; (3) activities where their continuation can be assured through Trust Fund or other mechanisms, after UNEP withdraws; (4) where UNEP can assist a number of countries to deal with common problems; (5) activities that would help or encourage governments in developing countries to develop their own National Environment Machineries; (6) Avoidance of developmental activities per se.

(ii) Concentration (At the country level)

Developing countries were still not universally convinced of the need to incorporate environment in their development plans. Hence, UNEP has still a major role in helping to set up machinery which eased rather than obstructed sound development. To this end, and in view of the limited resources, UNEP should concentrate, albeit cautiously, on a few selected countries, particularly the least developed ones for a limited period of time of three to four years. During the period of concentration concerted action should be taken in co-operation with the countries' governmental structure, the bilateral/multilateral donors, UN agencies, NGOs, etc. to help the countries to reorient their development patterns towards sustainable development. In order to do this, there is scope for concentrating on carefully-selected multi-disciplinary demonstrations or model projects, which would be in conformity with UNEP's catalytic role, besides making better use of limited resources, assisting in training, and generating a multiplier effect. Better use could also be made of regional and sub-regional groupings for the same activities.

Real difficulties exist in selecting individual countries. To facilitate selection the following criteria should be applied in selecting countries: (1) where, with the assistance of UNEP, a country is likely to derive most benefits in reorienting its development plans towards sustainable development; (2) where a country has a capacity to undertake actions that can be repeated elsewhere; (3) where the governments are willing to co-operate; (4) where we have had, or continue to have some activities.

UNEP must keep stressing actions like monitoring, regional seas and environmental law that nobody else could undertake. It must increase in outreach. It must get the right balance between global and national activities, and between maintaining the environmental balance in the UN system and maintaining government support.

## II. Earthwatch

### (a) General Observations

Earthwatch is the assessment and forecasting element of the Stockholm Action Plan. No comprehensive assessment has emerged from Earthwatch so far. This is a very lengthy and continuous process. However, a number of technical assessments have been issued and others are planned for the near future.

It was clear that components of Earthwatch like GEMS and IRPTC were essential and will probably continue as permanent elements of UNEP's functions and that only UNEP was in a position to carry them out.

### (b) Future trends

Earthwatch should be consolidated to include the following elements:

- GEMS, including Atmosphere, Environmental Data and GRID. The latter should, as soon as possible, provide countries - particularly developing ones - with data necessary for assessment and management of their resources, giving priority to desertification, soil degradation, deforestation, and marine and inland pollution.
- IRPTC
- INFOTERRA

Earthwatch should assist developing countries through technical assistance in (i) developing their national monitoring systems, (ii) developing their own environmental data collection and assessment capabilities, (iii) data standardization, (iv) developing national (GIS) Geographical Information Systems.

Governments will judge Earthwatch by what they get out of it. Their interests lie in data and assessment they can use in policy. The key policies are for natural resource management. It follows that Earthwatch has to be tied closely to the Environmental Management programme of UNEP. If management needs are once defined, it becomes much easier to decide what kind of assessment can usefully be conducted.

Assessment statements should be prepared to serve management needs, through an adaptive process with the full participation of the end users of the information.

UNEP should not wait to have fool proof data before issuing technical analyses. These should be provided to fulfill the needs of Management even if the data is only 50-60% accurate.

The language of communication is crucial. Many UNEP publications are written at too technical a level and do not reach those in Governments who decide policy. Earthwatch is for politicians at least as much as it is for scientists, and it must address their needs and provide tools they can use - in language everyone can understand.

Technical analyses and assessments, written in simple language, should also be put to people at large, particularly pressure groups who in turn would influence government decision making.

Assessment is a rolling process. Today's State of the Art evaluation are bound to look imperfect tomorrow. The Assessment component of Earthwatch has to be capable of continual up-dating as better data come in. It can have a variety of products - indeed must do so as the users of its output are diverse.

### III. Environmental Management

#### (a) General Observations

UNEP had not fully articulated the concept of Environmental Management in coherent operational and practical terms.

The Environmental Management Programme cuts across the whole UN System. The agencies expect UNEP to catalyse their programme areas, most of which are in resource management. This must be done without competition, duplication or overlapping, and with the Agencies whose participation is essential. The problem is that resources are limited: there has to be a choice of where emphasis should be placed.

#### (b) Future trends

Assessment, Management and Support are functions which should not be separated when undertaking an activity. Particularly, when applying the concentration strategy at the country or regional level to help governments re-orient their development plans and programmes towards sustainable development, all three functions are a must.

In discharging its Environmental Management functions, UNEP should avoid a sectoral approach in solving environmental problems that invariably are of a multidisciplinary and multisectoral nature. The holistic approach by multidisciplinary teams is both necessary and a contribution UNEP could especially provide. Further, Government involvement is essential as Environmental Management was above all oriented towards meeting the needs of people.

More active support to and involvement of research and academic organisations and NGOs in developing countries is one method of getting wider identification by these countries with environmental objectives. Such participation would also assist in the success of projects.

Experience has shown that UNEP was more successful where it was able to encourage a group of countries in a specific region, who share the same ecological problems, to get together regardless of their political differences and agree to work together. Such was the case with Regional Seas Programme and the recent Ministerial Conference on the Environment held in Cairo. This approach should be followed, for instance, in inland water and international river basin programmes. Regional offices should play a more active role in this respect.



Follow-up of completed and on-going projects should be systematized, assessing their impact and ensuring continuation of efforts to bring about the required results.

#### **IV. Support Measures**

##### **(a) General Observations**

Support Measures include the following sub-programmes: (1) Environmental Law and Machineries, (2) Environmental Education and (3) Training, (4) Information, (5) Environment and Development and (6) Technical Co-operation. The six sub-programmes were not homogeneous as in the other areas discussed previously although, as a group they were all crucial to the success of the management and assessment activities.

##### **(b) Future trends**

It is of utmost importance that before any Information activity is undertaken, the target audience should be clearly identified. Target audiences should be chosen depending on the effect we want to achieve from the dissemination of information. This principle should be extended to all UNEP publications. For maximum impact UNEP publications should not be strictly copyrighted and all interested should be able to use information in our publications with only an acknowledgement to UNEP.

Education and public information should jointly convey the environmental message through formal and non-formal means. Public information should be based upon knowledge and facts derived from environmental monitoring and assessment and should highlight lessons learned from management activities. This should be expanded through an "Outreach" programme using all possible means in environmental diplomacy through efforts by the Executive Director, senior staff, regional offices, and last but not least, an Information office concentrating upon public relations activities.

Environmental education was crucial because environmental degradation could only be curbed at source, through these means. The media - and hence the information sub-programme - had a major educational role, and education needed a broad approach through NGOs, religious and other groups with influence in the community as well as through the narrower educational sector.

Training of technicians from developing countries, can be made more cost-effective through organizing mobile teams of trainers who would visit groups of countries and give training in-situ. Systematic follow-up of trainees is of the essence.

More selectivity was needed in the training sub-programme. Preference should be given to young people, with long service ahead of them, who were working in appropriate posts.

Through its technical co-operation programme, UNEP should give priority to assist developing countries in setting up their own environmental machinery thus fostering links between UNEP and governments and enhancing catalytic capabilities of UNEP.

## V. Relationship with the UN system

UNEP has a responsibility to inject environmental dimensions in the U.N. programmes. In doing this UNEP should not try to influence agencies across the board, rather on specific subjects where UNEP has a highly developed expertise. This is particularly true when UNEP is introducing intellectual catalysis only.

The percentage of expenditures from the Fund of UNEP which went to co-operating agencies dropped from 44% in 1979 to 30% in 1985. This could indicate that (1) UNEP having discharged its catalytic role, co-operating agencies are including environmental considerations in their own programmes at their own expense or (2) UNEP usefulness to its partners is diminishing.

Agencies will be influenced by UNEP:

- (1) if it can provide intellectual leadership;
- (2) they can derive political or administrative advantages from the association ;
- (3) if they derive a financial advantage

If No. 3 is fading, (1) and (2) should be emphasized if we are to continue working with the UN system. UNEP cannot afford to stand in isolation vis a vis the UN system. Active co-operation with agencies should be maintained while at the same time co-operating with Governments: developed and developing, and IGOs and NGOs. The decline of UNEP funds spent in co-operation with Agencies can be legitimately explained. Increase of environmental awareness among developing countries, has led to more requests which UNEP could not ignore. These, coupled with more and more decisions taken by the Governing Council on regional programmes and networks, claimed financial resources detracting from the share of the agencies.

In devising future SWMTEP the mechanism of Thematic Joint Programming should be used. However, UNEP should not change at will what was agreed at the Thematic Joint Programming exercises as this has a tendency to alienate the agencies.

To the extent possible, the pattern of stop and go in the approval of projects should be discontinued. It was disruptive to agencies and had negative effect on the smooth implementation of projects. This is a weakness, stemming from inconsistent Governments voluntary contributions to the Fund.

## VI. Targets

UNEP should propose to the Governing Council very precise and specific targets for the next five to ten years. These should be limited in number and be commensurate with the financial resources likely to be available in that time span.

Targets should be of two types: (a) detailed targets at the sub-programme level to function as management tools, (b) major targets for UNEP as a whole designed so as to attract international attention. All targets, however, must be realistic.

The substance of the targets is the responsibility of the Executive Director, and hence the meeting was not called upon to endorse the targets presented. Participants were however, invited to comment/critique them in order to assist the Secretariat in arriving at concrete, realistic and measurable targets. Modifications were suggested and forwarded to the Executive Director.

Regional Offices in consultation with the Office of the Environment Programme should play a major role in helping governments setting up their own targets for the region.

In choosing targets UNEP must look ahead. It takes time to develop action, and addressing tomorrow's needs demands a forward-looking analysis. Some major themes like desertification, deforestation or greenhouse gases will continue - but the Regional Seas initiatives is an example of a present priority that should be self-propelling tomorrow. In looking to the future, moreover, UNEP must consider the wider socio-economic context of action: The debt crisis, militarization, wasting resources in developing countries, population pressure and the creation of ecological refugees were mentioned as such contextual themes. The impact of the post-industrial era and genetic engineering should be looked into. (Attached in Annex I are the lists of proposed targets, overall, and by sub-programme.)

#### **VII. UNEP Constituency**

UNEP's national constituency is not clear (whereas FAO or WHO have obvious constituencies in Ministries of Agriculture or Health). The need is to optionize a complex net of linkages. National environmental machineries should comprise a general membership not only drawn from governments, but from informal sectors such as youth, religious groups, community leadership, industry and the scientific community. These all form part of the constituency which UNEP should maintain effective contact with and credibility.

#### **VIII. Structural Changes for More Efficient Performance**

To improve the operational efficiency of the Environment Programme, change in its functional arrangements should be made. This change is predicated upon the need for multi-disciplinary approaches to solve environmental problems. Previously most activities were dealt with by one person or one budget line. To integrate activities on a particular theme or subject area, however, the experience of the Programme Activity Centres has shown that it is essential to organise the Programme into a number of viable units, with a critical mass of staff and with enough administrative flexibility to enable those staff to function as an efficient interdisciplinary team.

## List of Sub-programmes

### Environmental Assessment

1. GEMS
2. IRPTC
3. Atmosphere (Outer Limits)
4. INFOTERRA
5. State of the Environment
6. Environmental Data

### Environmental Management

7. Tropical Forests
8. Soils
9. Other Ecosystems
10. Genetic Resources
11. Wildlife and Protected Areas
12. Biogeochemical Cycles and Bioproductivity
13. Water
14. Lithosphere
15. Environmental Health
16. Agricultural Chemicals and Residues
17. Human Settlements
18. Natural Disasters
19. Energy
20. Industry and Transport
21. Arid and Semi-Arid Lands Ecosystems and Desertification Control
22. Oceans
23. Working Environment
24. Arms Race and the Environment

### Support Measures

25. Environmental Aspects of Development Planning and Cooperation
26. Environmental Law
27. Information
28. Training
29. Education
30. Regional and Technical Cooperation.

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## ANNEX I

CONSOLIDATED LIST OF PROPOSED UNEP TARGETS FOR 1990A. PROPOSED MAIN TARGETS FOR 1990Environmental Assessment

1. 20 technical analyses and 10 assessments of selected environmental problems prepared and used for Environmental Management. Examples of analyses and assessments: status of water pollution, global forests, soil loss, desertification, selected chemicals.

Environmental Management

1. Adoption of two regional action plans and conventions and related protocols for the protection and development of the marine and coastal environment for South Pacific and South Asia Seas;
2. An inland water programme similar to the regional seas programme developed. Priority to be given to the Zambezi River Basin. Based on the inland water programme at least three Regional Action Plans for environmentally sound management of inland water systems approved by governments and gradually being implemented;
3. Assist in the full implementation of the Cairo Programme of Action for Africa;
4. Six to eight countries affected by desertification (in Africa, Asia and Latin America) to have re-oriented their development plans towards sustainable development without destruction of their natural resource base as a means of combating desertification;
5. Convene a high level political conference to consider ways and means of reconciling national sovereignty over tropical forests with world concern over their destruction and to consider means of encouraging governments having sovereign rights over tropical forests to ensure that, at least, 10% of existing tropical forests ecosystems be designated as protected areas;
6. Assist two countries per region in Africa, Asia and the Pacific and Latin America and the Caribbean in the formulation, adoption and starting of implementation of national conservation strategies;
7. Assess the needs of some ten developing countries in the field of environmental management of their industries and arrange for meeting those needs, especially through the private sector in developed countries.

Support Measures

1. A protocol on chlorofluorocarbons to the Ozone Layer Convention to be signed by at least 20 governments and Guidelines on Hazardous Wastes, Trade in Chemicals and Environmental Impact Assessment adopted by the Governing Council;

2. Assist some 10 developing countries to strengthen their national environmental machineries and establish coherent national environmental legislations;
3. Incorporate Environment Education into all levels of general education in some 20 countries;
4. Training of some 15000 technical people (10000 in general environmental fields and 5000 in technical aspects) from developing countries;
5. Assist at least three developing countries one from each region in the systematic inclusion of environmental consideration in their national development plans;
6. To co-operate with some twenty selected developing countries in launching specific information campaigns to raise environmental awareness.

#### B. PROPOSED TARGETS FOR INDIVIDUAL SUB-PROGRAMMES

##### GEMS

1. Twenty technical analyses and ten assessments of various environmental problems prepared and used for Environmental Management;
2. Improvement of the geographic coverage in terms of countries participation and additional representative stations, of some GEMS networks to enable better global assessments and technical analyses;
3. About 500 technicians from developing countries trained in various aspects of monitoring.

##### INTERNATIONAL REGISTER OF POTENTIALLY TOXIC CHEMICAL (IRPTC)

1. To secure participation of about 25 more government-supported institutions in sharing data;
2. To obtain the cooperation of six other information sources to participate in the system;
3. To undertake training of 12 national network partners;
4. To increase the number of hazardous chemicals included in the register to 1000.

##### ATMOSPHERE (OUTER LIMITS)

1. Four regional assessments of probable socio-economic impact of likely climatic changes in regions particularly vulnerable to these changes e.g. low lying coastal areas and river deltas;
2. About 550 scientists and technicians from developing countries trained in atmosphere related subjects, e.g. agrometeorology, climate impact assessment, national climate programme development.

INFOTERRA

1. At least 20 of the inactive national focal points activated;
2. Extend the networks of INFOTERRA as follows: (i) increase number of sources to 7000 from 80 countries (ii) increase number of special sectoral sources to 24 and (iii) increase number of Regional Service Centres to eight;
3. About 50 national focal points trained.

STATE OF THE ENVIRONMENT

1. Assist some 15 developing countries to prepare national SOE reports, and to assist some six to establish national mechanisms for their periodic preparation;
2. Prepare a second "Ten Years SOE Report" for 1992.

ENVIRONMENTAL DATA

1. Establish a data base to allow the production as from 1987 of environmental data reports which will be up-dated at suitable intervals.

TROPICAL FORESTS

1. Convene a high level political conference to consider ways and means of reconciling national sovereignty over tropical forests with world concern over their destruction and to consider means of encouraging governments having sovereign rights over tropical forests to ensure that, at least, 10% of existing tropical forests ecosystems be designated as protected areas;
2. Identify the most endangered tree species in 3 or 4 selected countries and assist in the establishment of mechanisms for their efficient conservation;
3. Training of about 200 technicians from developing countries in environmentally sound management of tropical forests.

SOILS

1. Assist three to six developing countries in applying appropriate land use policies in arid, semi-arid and sub-humid regions suffering from intensive soil degradation;
2. Training of about 500 nationals from developing countries in appropriate land use policies and soil degradation prevention.

### GENETIC RESOURCES

1. Assist in the establishment of an African Genetic Resources Network recommended by the African Ministerial Conference on the Environment;
2. Assist in the establishment of:
  - (a) Legal instruments for conservation of plant genetic resources in three developing countries;
  - (b) One global genebank and three Regional Data banks for animal genetic resources;
  - (c) One global referral system for information on microbial resources and cell lines;
3. Training of about 400 nationals from developing countries in conservation and management of crop plant, forest, animal and microbial genetic resources.

### WILDLIFE AND PROTECTED AREAS

1. Assist two countries per region in Africa, Asia, and the Pacific and Latin America and the Caribbean in the formulation, adoption and starting implementation of national conservation strategies;
2. Assist in the establishment of three operational biosphere reserves per region;
3. Increase acceptance and implementation of: CITES (Washington), Migratory species (Bonn), Wetlands (Ramsar) and World Heritage (Paris) Conventions and the International Tropical Timber Agreement;
4. Assist two countries per region in implementing comprehensive wildlife management programmes;
5. Training of 200 fellows from developing countries in wildlife and national park management and related living resources conservation activities.

### BIOGEOCHEMICAL CYCLES AND BIOPRODUCTIVITY

Demonstrate the practical application of increased bioproductivity techniques to increase food production, in one or two developing countries.

### WATER

1. An inland water programme similar to the regional seas programme developed. Priority to be given to the Zambezi River Basin. Based on the inland water programme at least three Regional Action Plans for environmentally sound management of inland water systems approved by governments and gradually being implemented;
2. Training of about 500 professionals from developing countries in environmentally sound management of water resource.



#### ENVIRONMENTAL HEALTH

1. Assist 5-6 developing countries to (a) identify the potential harmful environmental agents (b) assess their impact and (c) initiate control action;
2. Training of some 150 technicians from developing countries in chemical, biological and physical safety of the environment.

#### AGRICULTURAL CHEMICALS AND RESIDUES

1. Demonstrate the application of ecologically sound integrated crop production methods and strategies in at least 2 or 3 countries in each region of the three developing regions;
2. Demonstrate integrated control of tsetse in 2-3 countries in the Zambezi River Basin;
3. Training of about 500 technicians and farmers from developing countries on various aspects of pest and vector control.

#### HUMAN SETTLEMENTS

1. Assist eight Governments to develop and adopt strategies for including environmental considerations in planning of human settlements;
2. Training of 250 technicians in waste management and ecological approach to human settlements planning.

#### ENERGY

1. Demonstrate the viability of meeting energy requirements by harnessing new and renewable energy sources in selected villages and semi-arid pasture areas in Africa with a view to having 150 villages and 30 semi-arid pasture areas become self-sufficient in energy;
2. Updating of the three reports on environmental impacts of various sources of energy;
3. Training of (a) 400 people from rural areas of developing countries in efficient utilization of renewable sources of energy and (b) 50 energy planners and decision makers from developing countries in energy management and conservation.

### INDUSTRY AND TRANSPORT

1. Assess the needs of some ten developing countries in the field of environmental management of their industries and arrange for meeting those needs, especially through the private sector in developed countries;
2. Apply UNEP guidelines for environmentally sound management of industry in three developing countries, one in each region;
3. Double the capacity of the existing Information System on Industry and Environment;
4. Annual training of 160-170 managers from developing countries on intersectoral topics such as institutional arrangements for environmental management of industry as well as on sectoral topics based on existing guidelines (e.g. pulp and paper, iron and steel, agro industries).

### ARID AND SEMI-ARID LANDS ECOSYSTEMS AND DESERTIFICATION CONTROL

1. To establish regional networks, for (a) afforestation and rehabilitation of degraded vegetation, (b) research and training, and (c) sand dune stabilisation within the framework of the Plan of Action to Combat Desertification; one of each, in Africa, Asia (ESCAP and ECWA regions) and Latin America and the Caribbean region;
2. Six to eight countries affected by desertification (in Africa, Asia and Latin America) to have re-oriented their development plans towards sustainable development without destruction of their natural resource base as a means of combating desertification;
3. Development of an efficient information and data base for desertification control in DC/PAC which should become a centre of excellence in this field;
4. To assist some 10 countries in planning and implementing pilot demonstration experiments based on proper land use policies;
5. To assist some 10 countries in the areas severely affected by desertification to carry out comprehensive monitoring and assessment of the extent and severity of desertification in their territories;
6. Training annually at least 200 nationals from developing countries suffering from or prone to desertification in its various aspects.

### OCEANS

1. Develop a coordinated information and data base to permit issuance of regular reports on the state of regional seas and coastal areas using existing information, data and facilities;
2. Adoption of an Action Plan for the protection of the marine and coastal areas of the South Asian Seas;
3. Adoption of two regional conventions and related protocols for the protection and development of the marine and coastal environment of the South Pacific and the South Asian seas regions;

4. Initiation of an integrated open ocean research and monitoring programme;
5. Training annually of about 200 persons in protection of marine and coastal environment.

#### ARMS RACE AND THE ENVIRONMENT

Preparation and dissemination of one or two studies on the environmental consequences of one or two regional or local conflicts.

#### ENVIRONMENTAL ASPECTS OF DEVELOPMENT PLANNING AND COOPERATION

1. Provide guidance on systematic consideration of the environment in programmes for arid-land management, river basin management, management of tropical forests;
2. Assist at least three developing countries one from each region in systematic inclusion of environmental considerations in national development plans;
3. Train annually fifteen decision-makers and fifteen project analysts in the use of methods and procedures for inclusion of environmental concerns in decision making on development.

#### ENVIRONMENTAL LAW

1. The Ozone Layer Convention entered into force and a protocol on chlorofluorocarbons to be signed by at least 20 Governments;
2. Guidelines on (a) Hazardous Wastes, (b) Trade in Chemicals and (c) Environment Impact Assessment adopted by the Governing Council;
3. Assist some 10 developing countries to strengthen their national environmental machineries and establish coherent national environmental legislations;
4. At least one Convention on international water resources will be adopted and two others in the process of preparation;

#### INFORMATION

1. To co-operate with some twenty selected developing countries in launching specific information campaigns to raise environmental awareness;
2. Develop programmes to enhance public awareness in six major environmental issues: soil loss, destruction of tropical forests, desertification, green house gases, fresh water supply and sanitation and toxic chemicals.

#### TRAINING

1. Train about 10000 technical people in general environmental fields;
2. Identify a Training Centre in each developing region and assist in strengthening it to become a Regional Centre of Excellence for environmental training.

EDUCATION

1. Incorporate environmental education into all levels of general education in some twenty countries;
2. Catalyse and coordinate the systematic introduction of EE in two selected universities per region;
3. Incorporation of EE into non-formal adult education in at least 5 countries in each region.

REGIONAL AND TECHNICAL CO-OPERATION

1. Secure the full integration of ECU's into the Regional Commissions to be financed by them;
2. Create a capacity within UNEP to meet as many requests as possible from developing countries for assistance advice on urgent environmental problems whether financed from the Environment Fund or elsewhere;
3. Training of about 600 fellows in various aspects of environmental management.

4. INCREASE THE INSTITUTIONAL CAPACITY FOR REGIONAL AND SUB-REGIONAL ECONOMIC, ENVIRONMENT AND DEVELOPMENT CO-OPERATION

Supporting Conclusions and Major Points

- the Stockholm Conference crystallized fundamental changes in the perception of the planet: an "Only One Earth" with two basic territorial categories, nations and natural zones.
- the boundaries of the over 160 nations and the over 200 IUCN bio-geographical zones rarely coincide. Most of latter are shared by two or more States. Their essential ecological functions and economic uses can best be maintained and effectively managed only through international co-operation. Most of the over 150 international river systems in the world are not subject to complementary management by the riparian States.
- problems are best assessed and resolved by those States directly concerned, especially those of an exclusively regional and sub-regional scope and character.
- both the "policy sources" agenda for sustainable development, and the "effects oriented" agenda for environmental protection, need to be strengthened and implemented at regional and sub-regional levels.

At the international level

- 1. Governments should build sustainable development objectives and criteria into the mandates of the UN Regional Economic Commissions and Regional Development Banks, and strengthen their institutional capacity to implement the new agenda; and/or

2. Governments should establish special regional intergovernmental bodies for Economic Co-operation and Sustainable Development to deal with interrelated economic, energy, environment and development problems and to manage the transition in a co-ordinated and cost-effective way:

- to be organized, staffed and funded by the governments directly concerned.
- to develop regionally comparable economic and environmental statistics; baseline quantity and quality surveys of shared resources and an early warning capability to reduce and/or prevent an increasing range of environment and development hazards.
- to identify and seize opportunities for regional co-operation in financing, developing and exploiting new technologies for environmental regeneration.
- To convene high-level meetings on critical common problems at the Ministerial and senior policy advisors' level aimed at reaching agreement on joint or co-ordinated action.
- To develop contingency plans and the capacity to respond quickly to existing or emerging critical situations and issues.
- To make recommendations, decisions and commitments binding on all members.
- To develop and apply in concert basic common principles and guidelines concerning environmental protection and resource use, particularly with respect to foreign trade and investment.

3. With regard to regional issues of environmental and resource protection (the effects-oriented agenda), governments should

- strengthen the relevant intergovernmental committees and staff and financial resources in the UN Regional Economic Commissions; the UNEP
- OR Regional Offices;
- OR both.

Sub-Regional Co-operation

4. Governments should establish co-operative agreements and arrangements, including joint commissions among contiguous countries for the equitable and sustainable use of transboundary natural resources and migratory species, and to assess and agree on joint measures for the assessment and reduction or avoidance of transboundary environmental problems (e.g. desertification, transboundary air and water pollution).

5. STRENGTHEN EXISTING AND ESTABLISH NEW CAPACITY TO  
MANAGE THE INTERNATIONAL COMMONS

5.1 THE OCEANS, REGIONAL SEAS AND COASTAL WATERS

Some Related Messages and Supporting conclusions:

- the transition, during which
  - . the living resources of the sea have come under threat, especially coastal waters and regional seas, mainly from land-based development;
  - . over-fishing has grown and is a major threat in many areas;
  - . our knowledge of trends of various pollutants and of their cumulative impact on species, food chains, and critical balancing points in the planet's support systems has proven woefully inadequate;
- the management imperatives which nations cannot escape
  - . the underlying unity of the oceans;
  - . the shared-resource characteristics of the oceans, making international co-operation mandatory;
  - . the land-based sources of most of the major threats to the oceans, making international co-operation dependent on concerted national and international action.
- although enormous gains have been made in the past decades and many essential components have been created, they do not add up to a system



that reflects the above imperatives; and lack of appropriate institutional arrangements remain the main constraints to effective management of the seas and oceans.

- there is today no management regime for the oceans, nor even a body of agreed concepts and principles, and an adequate information base on which to construct one.

#### At the International Level

##### 1. Establish a Management Regime for the Oceans by

- ratifying the Law of the Sea Convention;
- establishing an Authority with responsibility for the management of the oceans beyond national jurisdiction
  - . to provide an information base for an ocean management regime;
  - . to use its convening and other powers to evolve, test and put in place concepts for such a regime;
  - . to facilitate co-ordination between existing and new regional and national agencies, institutes, industries and others involved in the development and management of the oceans.
- having like-minded governments convene a broadly based "International Ocean Forum"
  - . to mount an effort to secure ratification of the Law of the Sea Convention;
  - . to define and promote the establishment of an Authority
  - . to assist in the evolution of a management regime for the oceans.

2. Strengthen Regional Action, by

- significantly increasing national and international financial support for regional seas programmes to enable them
  - . to move beyond general agreement on goals and research;
  - . to complete a full analysis of the sources of their major problems and plans to deal with them under agreed schedules of work;
  - . to advise central economic, finance, energy, land use planning and other sectoral agencies of the policy changes needed to reduce or prevent future increases in their problems;
  - . to undertake the large-scale investment in urban and industrial pollution control systems needed to clean up the backlog and restore regional seas and coastal areas to economic health.
- governments launching an urgent examination of their institutional requirements for the management of coastal resources;
- international development banks and development assistance agencies establishing programmes to support institutional development in these areas.

3. Develop Inventories of Coastal Resources

- having the (Secretary General) convene a Task Force to assist nations to deploy the latest satellite and other techniques
  - . to complete mapping of all coastal resources and ecosystems;

- . to identify those resources and ecosystems that need to be the object of special protection or conservation measures;
- . to identify those lands and resources that could be under threat from flooding over the next 40 - 60 years should the policy measures proposed in this report to prevent sea level rises from climate change not be implemented.

## 5.2. ANTARCTICA

### Some Related Messages and Supporting Conclusions

- the Antarctic Treaty may be reviewed in 1991, with amendments proposed and agreed to by an majority of the contracting parties;
- the transition is producing growing pressure to establish a regime for minerals exploitation and development;
- antarctica is entering a period of inevitable change during which the challenge is to ensure that it continues to be managed
  - . in the interests of all mankind;
  - . in a manner that conserves and protects its unique environment;
  - . as a demilitarized, non-nuclear zone of peace;
- it could take a generation or more of dedicated research and technological development to ensure that minerals exploitation would not destroy Antarctica's fragile environment and its place in the global environment.

At the International Level

1. Guard and Augment Present Achievements by

- maintaining Antarctica as an agreed zone of peace, free of all military activities, nuclear tests and radioactive wastes;
- extending co-operation on scientific investigations;
- strengthening capacity to anticipate development and protect the environment.

2. Anticipate Pressures for Mineral Development by

- foreclosing the potential for development, at least for a time;
- ensuring that if development proceeds, it does so under a regime that ensures solicit protection for the environment and equitable sharing of the spoils;
- or both.

3. Expand Participation in the Management of Antarctica

4. Establish Broad-based Fora for Consultation.

6. ESTABLISH A BINDING LEGAL FRAMEWORK REFLECTING THE  
NEW IMPERATIVES FOR STATE AND INTER-STATE BEHAVIOUR

Relevant Messages and Supporting Conclusions

- given the transitions through which the world is passing and the implications for sustainable development and survival of this and future generations, international law concerning the rights and obligations of individuals and states, and norms for acceptable state and interstate behaviour concerning the use of the environment and resources, needs to be developed more quickly in the future than in the past, and in advance of rather than after significant damage has occurred;
- a basic purpose and obligation of government in any State is to ensure the security and well-being of its citizens, which is usually represented in the constitution or basic laws by a set of fundamental rights including the right to life, liberty and security of person as well as to a standard of living adequate for health and well-being;
- following the 1972 UN Conference on the Human Environment several States such as the USSR (1977), Spain (1978) and Peru (1979) provided formal recognition in their Constitutions or basic laws to the right to an adequate environment as well as the obligation of the State to protect the environment, but so few States have done so that there is not yet any recognized general principles of national law embodying such rights and obligations;

- given the increasing pace and scale of development, and of the impacts of development through the transition, the fundamental right of all human beings to an environment "adequate for their health and well-being" should be recognized by all states and extended over time to future generations;
- these rights and obligations should be reflected in a special national charters, and both the rights of future generations and the obligations to guard them should be embodied in a special institution, such as an "Ombudsman";
- although traditional international law has developed over three centuries as essentially an inter-state law system ruling the relationships between States, and based mainly on reciprocity in the granting of advantages to another State or States in return for equivalent advantages for oneself, the laws of nature are older, unchanging and universal, and the growing gap between the two over the past few decades has become increasingly unsustainable;
- a large number of the international conventions and agreements concluded in the four decades after 1945 concern the protection of the environmental basis of development, but international law in this area has not only not kept pace with man's capacity to change ecosystems through development, but also it has usually followed rather than preceded significant damage;
- because of the many new imperatives for international co-operation and the need to manage better the global commons, there is now an urgent need:

- . to reinforce existing legal principles and relevant conventions and to formulate new principles and rules of law which reflect and support the mainly anticipatory and preventative strategies required to achieve sustainable development within and among States;
- . to develop and apply not only principles regarding the obligations of States to reduce or avoid activities affecting the environment and the potential for sustainable development of other States, but also principles regarding the individual and collective responsibilities of States concerning future generations, other species and ecosystems of international significance, and the global commons;
- . to embody both the rights of future generations and the obligation to guard them in an institution such as an "Ombudsman"; or a "High Commissioner";
- . to strengthen the international legal and institutional framework for accelerating the development and application of new principles and international law, including new means for avoiding and settling disputes;
- . to extend existing and develop new methods and procedures for avoiding and resolving disputes, including provisions for eventual binding settlements in order to encourage early agreement and avoid prolonged disputes.

#### At the National Level

1. All governments should adopt a formal national Charter on Environmental Protection and Sustainable Development setting out the rights and

responsibilities of citizens and governments including including those suggested in the attached Annex I\*.

2. Governments should appoint an "Ombudsman" to provide a focus for and to represent the rights and interests of present and future generations in a sustainable environment; and, to that end,

- to monitor the implementation of the Charter and of laws implementing the principles and rights in it;
- to respond to citizens and groups concerned about actual or potential violations of the Charter;
- to intervene in administrative or judicial proceedings;
- to act as a watchdog and to alert both governments and citizens to possible environmental threats to the well-being of present and future generations.

#### At the International Level

1. The UN General Assembly should adopt at its 42nd session a Universal Declaration on Environmental Protection and Sustainable Development starting with the fundamental right of all human beings to an environment adequate for their health and well-being, and setting out the reciprocal rights

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\* And incorporating, for example, many of the relevant principles, rights and obligations developed by the WCED Experts Groups on Environmental Law (see WCED/86/23/Add 1 and Annex)  
784B/4.9.86-7



and obligations of States regarding each other, the world community, and future generations. Such rights and responsibilities among and collectively of States should include those set out in Annex II (???) to this paper and discussed in the recent report of the WCED Experts Group on Environmental Law (see WCED/86/23/Add. 1 and Annex).

2. The UN General Assembly should initiate negotiations at its 42nd Session on a binding Universal Convention on the Rights and Obligations of States Regarding Environmental Protection and Sustainable Development.

- consolidating existing and establishing new legal principles, and setting out the associated rights and responsibilities of States individually and collectively for securing environmental protection and sustainable development to the year 2000 and beyond;
- including effective measures for protecting those rights and for fulfilling those responsibilities;
- establishing a Special Committee made up of world renowned and respected individuals serving in a personal capacity, elected preferably by secret ballot of the states party to the Convention
  - . to receive and review regular reports from States and from relevant organizations of the UN system and other concerned international organizations and NGO's on actions taken to honour the Declaration and implement the Convention;

- . to issue periodic public reports and audits on progress in honouring the Declaration and implementing the Convention and other relevant international agreements;
  - . to assess and report on practices which do not conform with the norms of state interstate behaviour set out in the Declaration; and on alleged violations of the Convention;
- appointing an "Ombudsman"( or "High Commissioner") for environmental protection and sustainable development to be elected preferably by secret ballot of the States Party to the Convention
- . to receive and assess communications from individuals and private voluntary and non-governmental organizations concerning compliance with or violations of the Declaration and Convention (or related international agreements) and submit any such cases to the special committee above for consideration;
  - . to represent and protect the interests of future generations through reports to the General Assembly drawing attention to environment and development issues which represents serious and potentially irreversible threats to future generations;
3. The UN General Assembly should establish a special negotiating group to prepare a text for signature by State during or preferably before 1992, the 20th anniversary of the United National Conference on the Human Environment (using as a basis the 22 draft Articles already developed by the WCED Experts Group on Environmental Law in WCED/86/23/Add.1/Annex).

4. Governments should strengthen and extend existing international conventions, agreements and co-operative arrangements by:

- acceding to or ratifying existing global and regional Conventions dealing with environment and development;
- adhering to and applying more rigorously the provisions, spirit and objectives of existing Conventions relevant to environment and development;
- reviewing and revising those existing Conventions relevant to environment and development which need to be brought in line with the latest available technical and scientific information;
- negotiating new global and regional Conventions or arrangements aimed at promoting co-operation and co-ordination in the field of environment and development (including, for example, new conventions in international agreements on energy use and climate change, on biological diversity, and on high risk technologies).

5. Foundations should support the creation of NGO Environment and Sustainable Development International at global and regional levels, with the capacity and resources to link like-minded groups

- to monitor sensitive areas of natural heritage, species, ecosystems and life support systems;

- to focus attention on practices and activities which do not conform with the norms of inter-state behaviour set out in the Declaration, and which represent violations of the Convention;
  - to generate awareness and arouse the human conscience concerning gross threats to natural heritage, species, ecosystems and life support systems from indifference, greed and/or corruption;
  - to submit regular reports on these matters to the Ombudsman, Special Committee and World Survival Commission and the media in a manner similar to the reports submitted by Amnesty International on threats to and violations of human rights.
6. Governments, private voluntary and non-governmental organizations should strengthen and expand the capacity to avoid and resolve disputes concerning transboundary environmental and natural resources problems by:
- maintaining panels or rosters of experts with experience in various forms of dispute settlement, and competence on the legal and substantive aspects of environmental protection, natural resources and sustainable development;
  - establishing a "clearing house" for services using existing institutions to assist in the avoidance or settlement of environment and resources disputes.

7. States, when unable to resolve any dispute concerning a transboundary environment and natural resources within a reasonable time, should agree to submit the case for binding arbitration or judicial settlement to, for example, the Permanent Court of Arbitration or the International Court of Justice.

- Regarding the Permanent Court of Arbitration, those States with the right to select four members of the Court should give special consideration to ensuring that at least one of the four members has special experience and competence on questions of environmental protection and natural resources management.
- Regarding the International Court of Justice, States should consider making more use of the Court's capacity (under Article 26 of the ICJ Statute) can form special chambers for dealing with particular cases or categories of cases, including environmental protection or resources management cases, and of the Court's recently emphasized readiness to deal with such cases fully and promptly.

ANNEX I

PROPOSED PRINCIPLES  
FOR  
A NATIONAL CHAPTER ON ENVIRONMENTAL RESOLUTION  
AND SUSTAINABLE DEVELOPMENT

- the right to know and have access to current information on the state of the environment and natural resources, especially on pollutants, products and situations which pose immediate or longer term threats to human health;;
- the right to be consulted and to participate in decision-making concerning activities likely to have a significant effect on health, property, resources and the environment;
- the right to legal remedies by individuals and groups whose health, safety or use of the environment or natural resources has been or may be significantly affected by an on-going or proposed activity, including the right of access to, and due process and treatment in, administrative and judicial proceedings;
- the right to compensation for those whose health or use of the environment and natural resources have been substantially and adversely affected;
- the obligation to maintain ecosystems and related ecological processes essential for the functioning of the biosphere in all its diversity, in particular those important for human health, food and energy production and other aspects of human survival and sustainable development;
- the obligation to maintain biological diversity by ensuring the survival and promoting the conservation in their natural habitat of all species of flora and fauna, in particular those which are rare, endemic or endangered;
- the obligation to observe the principle of optimum sustainable yield in the exploitation of living natural resources and ecosystems;
- the obligation to establish adequate environmental protection standards, including environmental quality standards, emission standards, technological standards and product standards aimed at preventing or abating interferences with natural resources or the environment;

- the obligation to undertake or require "prior" assessments of the sustainability of a policy project, process or product that may significantly affect, health, safety, resources or the environment;
- the obligation, particularly in emergency situations, to make all relevant information public without delay whenever public authorities have been notified of any harmful or potentially harmful releases of pollutants, especially radioactive releases.

## ANNEX II

### PROPOSED PRINCIPLES FOR UNIVERSAL DECLARATION AND CONVENTION ON ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT

#### PART I

#### GENERAL RIGHTS AND OBLIGATIONS OF INDIVIDUALS AND STATES

##### Fundamental Human Right

1. The fundamental right of all human beings to an environment adequate for health and well-being.

##### Inter-Generational Equity

2. The obligation of States\*to conserve and use the environment and natural resources for the benefit of present and future generations.

##### Conservation and Sustainable Use

3. The obligation of States to maintain ecosystems and ecological processes essential for the functioning of the biosphere, to preserve biological diversity, and to observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems.

##### Environmental Standards and Monitoring

4. The obligation of States to establish adequate environmental protection standards and to monitor changes in and publish relevant data on environmental quality and resource use, in particular the discharges of pollutants into the environment of neighbouring states and the international commons.

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\*Note that in an interdependent world, the obligations of a State or States in the source of their rights, individually and collectively.



### Prior Environmental Assessments

5. The obligation of States to undertake or require "prior" assessments of the sustainability of proposed policies or activities which may significantly affect health, safety, environment and use of a natural resource; in particular those which may affect neighbouring states and the international commons.

### Prior Notification, Access and Due Process

6. The obligation of States to inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in administrative and judicial proceedings.

### Sustainable Development and Assistance

7. The obligation of States to ensure that conservation is treated as an integral part of the planning and implementation of development activities and to provide assistance to other States, especially to developing countries, in support of environmental protection and sustainable development.

### General Obligation to Co-operate

8. The obligation of States to co-operate in good faith with other States in implementing the preceding rights and obligations.

## PART II

### INTERSTATE RIGHTS AND OBLIGATIONS CONCERNING TRANSBOUNDARY ENVIRONMENTAL PROTECTION AND SUSTAINABLE RESOURCE USE

#### Reasonable and Equitable Use

9. The obligation of States to use transboundary natural resources in a reasonable and equitable manner.

#### Prevention and Abatement

10. The obligation of States to prevent or abate any transboundary environmental interference which could cause or causes significant harm (but subject to certain exceptions provided for in 11 and 12 below).

### Strict Liability

11. The obligation of States in carrying out or permitting certain dangerous but beneficial activities; to take all reasonable precautionary measures to limit the risk; to ensure that compensation is provided should substantial transboundary harm occur; and to ensure that compensation is provided for substantial transboundary harm resulting from activities which were not known to be harmful at the time that they were undertaken.

### Prior Agreements

#### When Prevention Costs Greatly Exceed Harm

12. The obligation of States which plan to carry out or permit activities causing transboundary harm which is substantial but far less than the cost of prevention, to enter into negotiations with the affected State on the equitable conditions under which the activity could be carried out. (If no agreement can be reached, see 22 below)

### Non-Discrimination

13. The obligation of States as a minimum to apply at least the same standards for environmental conduct and impacts regarding transboundary natural resources and environmental interferences as are applied domestically (i.e. do not do to others what you would not do to your own citizens).

### General Obligation to Co-operate on Sustainable Use of Transboundary Environmental Resources

14. The obligation of States to co-operate in good faith with other States, and with an international authority concerning the international commons, to sustainable use of transboundary natural resources and effective prevention or abatement of transboundary environmental interferences.

### Exchange of Information

15. The obligation of States of origin to provide, or to require, timely and relevant information to the other concerned States, and to an international authority regarding the international commons, regarding the actual or proposed use of transboundary natural resources or environmental interferences.

### Prior Assessment and Notification

16. The obligation of States to provide, or to require, prior and timely notification and relevant information to the other concerned States, and in co-operation with those States, to make or require assessments of the implications of planned activities which may have significant transboundary effects for environment and sustainable development.

### Prior Consultations

17. The obligation of States of origin to consult at an early stage and in good faith with other concerned States regarding existing or potential activities that have significant implications for health, safety and sustainable use of transboundary natural resources or the environmental interferences.

### Co-operative Arrangements for Environmental Monitoring, Research and Standard Setting

18. The obligation of States to co-operate with the concerned States in monitoring, scientific research and standard setting regarding transboundary natural resources and environmental interferences.

### Emergency Situations

19. The obligation of States to develop, or require, contingency plans regarding activities that present significant risks to health, property, environment and resources of other States; and of States of origin to promptly warn, provide relevant information on and to co-operate with concerned States when such emergencies occur.

### Equal Access and Treatment

20. The obligation of States to grant all persons who are and may be affected by transboundary interferences, or in their use of a natural resource or the environment with equal access, due process and equal treatment in administrative and judicial proceedings.

PART III

State Responsibility

21. The obligation of States to cease activities which breach an international obligation regarding the environment and to provide compensation for the harm caused.

PART IV

Peaceful Settlement of Disputes

22. The obligation of States to settle environmental disputes by peaceful means and to agree that if mutual agreement on a solution or on other dispute settlement arrangements is not reached within 18 months, the dispute shall be submitted to conciliation and, if unresolved, thereafter to arbitration or judicial settlement at the request of any of the concerned States.

7. EXPAND THE ROLE AND PARTICIPATION OF NGO'S, THE  
SCIENTIFIC COMMUNITY, AND INDUSTRY

Relevant Messages and Supporting Conclusions

- community groups and ngo's are increasingly effective agents of change and improvement at the local level as essential partners in implementing development projects, and in mobilizing funds for disaster relief and development projects around the world;<sup>1)</sup>
- key national "State of the Environment" reports<sup>2)</sup>, are being done by non-governmental organizations;
- a number of non-governmental organizations have emerged which are increasingly effective at the international level, including some who are producing the major global reports on the status of and prospects for the global environment and on the use, enhancement, degradation and depletion of the world's base of natural resources;<sup>3)</sup>
- many new international coalitions and networks of private voluntary non-governmental organizations are now in place and active;<sup>4)</sup>
- campaigns in support of environmental protection and sustainable development by local community groups, national and international private voluntary and non-governmental organizations, and the world media have been increasingly effective in recent years;<sup>5)</sup>
- independent science academies, institutes, or equivalent bodies at the national level are a source of authoritative studies and advice on many key issues;

- several major organizations and networks for linking the world scientific community sponsor research and focus attention on critical environmental and resource use issues, globally and regionally<sup>6)</sup>
- there is significant, mutual advantage to be gained by both industry and governments through working more closely together on, for example, basic principles and guidelines regarding agreements, laws and regulations governing investment and trade,
- world industry has recently taken some significant steps towards addressing these issues through various international associations<sup>7)</sup>, and through voluntary guidelines concerning industry practices on environmental, natural resources and science and technology measures<sup>8)</sup>, but few have as yet been extended to or applied regionally in Africa, Asia and Latin America.

#### At the National Level

1. Governments should support and expand the role and participation of individuals, community groups and non-governmental organizations by:
  - incorporating or strengthening the following rights in the national legal framework
    - . the right to know and have access to current information on the state of the environment and natural resources, especially on pollutants, products and situations which pose immediate or longer term threats to human health, property, resources and the environment;
    - . the right to be consulted and to participate in decision making concerning activities likely to have a significant effect on health, property, resources and environment;

- . the right to legal remedies of individuals and groups whose use of natural resources or the environment has been or may be significantly affected by an on-going or planned activity, including the right of access to and due process and treatment in administrative and judicial proceedings;
  - executing more projects in co-operation with community groups and ngo's and, increasingly, even through them.
2. Governments should establish or strengthen science academies and institutes, support independent groups of scientists, and enable them to increase their capacity to provide timely and authoritative assessments and advice on critical environmental and natural resource issues.
  3. Governments should establish or strengthen industry advisory councils for sustainable development for mutual advice, assistance and co-operation in shaping and implementing policy, laws and regulations to guide the transition towards more sustainable forms of development.

#### At the International Level

4. Governments should establish or strengthen procedures for official consultative status and more meaningful participation of capable and qualified ngo's in all intergovernmental organizations with major activities relevant to environmental protection and sustainable development.

5. Bilateral and Multilateral development assistance agencies, especially UNDP and the World Bank should identify and increasingly work with and through national and local non-governmental organizations in executing sustainable development projects.
6. Governments and Foundations should together increase the capacity of world scientific organizations such as ICSU and IUCN, to identify and to provide timely and authoritative analyses and assessments of critical environmental and natural resource problems.
7. Governments, especially in the African, Asian and Latin American regions, should establish a special negotiating group with members from government, industry and non-governmental organizations to develop a basic international code of conduct for sustainable development (drawing on and extending existing voluntary codes).



Footnotes for Section 7

- 1) e.g. Oxfam; Red Cross; Live Aid; an estimated US\$2.4 billion raised in 1983 by ngo's in OECD countries
- 2) Malaysia, India
- 3) The annual "State of the World Report" by the Worldwatch Institute; the "World Resources Report" by IIED and the World Resources Institute; the IUCN World Conservation Strategy.
- 4) e.g. regional groups such as the European Environment Bureau (EEB); the Asia-Pacific People's Environment Network (APPEN); the African Network of Environment ngo's (ANEN); global coalitions on critical issues such as the Pesticide Action Network (PAN); the Working Group on Development Assistance; the Seeds Action Network; a global network for information exchange and joint action through the Environment Liaison Centre (ELC), which has over 230 NGO groups as members, with the majority from developing countries, and is in contact with over 7,000 others.
- 5) e.g. the Chipko movement in India; the consumer movement in Malaysia; the human rights work of Amnesty International
- 6) e.g. ICSU; IUCN; and the recently established African Academy of Sciences
- 7) e.g. the 1984 ICC/WICEM Conference
- 8) e.g. OECD Guiding Principles for Multinational Enterprises

8. ALLOCATE SIGNIFICANTLY INCREASED FINANCIAL RESOURCES  
TO SECURING AND MAINTAINING SUSTAINABLE DEVELOPMENT

Some Related Messages and Supporting Conclusions

- those industrialized countries that mounted significant environmental protection programmes during the 70's, and succeeded in rolling back the damage costs of high levels of first generation pollutants, saw expenditures on environmental measures rise from about 0.3 per cent of GNP in 1970 to between 1.5 per cent and, in some countries, around the end of the decade, 2.0 per cent of GNP;
- this does not include expenditures on resource management, i.e. soil and water conservation, reforestation, parks and protected areas, wildlife, fisheries, conservation, etc., for which estimates are not available;
- those industrialized and developing countries that did not mount significant programmes, saw the damage costs of environmental pollution and resource deterioration rise enormously instead, reducing actual and potential productivity;
- given the transition trends, those industrialized countries with advanced programmes
  - . either will see expenditures on environmental protection rise between 20 to 100 per cent just to maintain current levels of quality, or they will see increased damage to health, property and ecosystems, or both; and

- . expenditures on resource management will also rise significantly (e.g. restoring Europe's forests),
  - . although a reorientation of some current agricultural, energy and other policies along the lines proposed in this report could avoid potentially much higher levels of expenditure on curative and restorative measures;
- given the transition trends, those industrialized and developing countries without advanced programmes
- . either will see expenditures mount to similar levels to halt destruction of their resource base for development, restore past damage and, in many countries, roll back the first and second generation of pollutants,
  - . or an increasing number of countries will see their potential for economic growth and development further undermined by advancing destruction and depletion of their basic resource capital, and the health, property and resource damage costs of advancing pollution;
  - . although a reorientation of agricultural, energy, forestry, industry and other policies along the lines proposed in this report could avoid ultimately higher levels of expenditures on restorative and curative measures;
- both industrialized and developing countries can not only reduce the levels of future expenditures/damage costs significantly but also enhance their future economic prospects by building responsibility for sustaining and enhancing environmental and resource stocks into the mandates of central and sectoral agencies as that should mean that

- . expenditures for environmental protection and resource management would gradually be built into the budgets of the agencies and industries whose policies and projects give rise to the costs;
- developing countries, however, will need a significant increase in financial support from international sources to meet the enormous costs that they face through the transition; and this increase will need to come from both traditional and new sources;
- the international community still relies largely on three sources of financing unchanged since the establishment of the United Nations forty years ago: assessed contributions from governments; voluntary contributions by governments; and funds borrowed in capital markets by the World Bank and other international financial institutions;
- assessed contributions from governments have traditionally been used largely for the administrative and operating costs of international organizations, and are basically not intended for multilateral assistance. Moreover, the prospects of raising significant additional funds through assessed contributions are not good. The assessment system, based on predetermined shares of an agreed upon budget, creates powerful constraints against efforts to expand resources and focus them on action projects sustained over a long period of time. Most countries, large and, are usually reluctant to increase their assessed share of the budget, and the few, most influential countries with the largest assessed shares consistently try to hold down the total level of expenditure and limit budgetary growth. The total assessed contributions from

governments are also significantly smaller than the amount provided through voluntary contributions;

- voluntary contributions by governments give the overall revenue system some flexibility but they also cannot be readily adjusted to meet new or rising requirements. Being voluntary, the flow of funds is entirely discretionary and unpredictable. The commitments are also extremely short-term as pledges are normally made for only one or two years in advance. Consequently, they provide little security or basis for effective planning and management of international actions requiring sustained, longer term efforts and programmes;
- voluntary contributions also are even more vulnerable than assessed contributions to the frequently shorter term mandates, perspectives and policies of individual governments. They therefore cannot provide an assured basis and flow of funds for international programmes serving the often common and longer term interests of all nations. For international environmental action, most of the limited funds provided so far have been through voluntary contribution, principally through UNEP and non-governmental organizations;
- given the limitations and constraints for current major sources and modalities for funding, it is now necessary and timely to consider options for additional resources and new sources and means for financing international action in support of environment and sustainable development on a more assured basis over longer periods of time;

- the one novel suggestion before the Commission is that of a World Conservation Bank to compliment the World Bank;
- other suggestions relate to automatic forms of financing and derive from a number of earlier studies;

#### The World Conservation Bank

It is proposed that governments and public and private financial institutions should establish a World Conservation Bank to supplement existing and future efforts by aid agencies, multilateral development banks and commercial banks to finance more sustainable development through improved emphasis by them on conserving the natural resource base in developing nations.

The World Conservation Bank would be structured<sup>1)</sup> to attract and share capital and several options are being actively considered:

- the World Conservation Bank could be independent in so far as it could be funded, initially at least, by aid agencies and international banks, and perhaps the multilateral development banks. (Since one of its main functions would be to fund the development and implementation of national conservation strategies, the World Conservation Bank might also have a special relationship with a revised IUCN structure. This concept would be consistent with the IUCN's relationship with both the public and private sectors);

- the new institution could fall within the World Bank group, and thus perhaps enjoy greater access to funding; and access to World Bank group expertise, etc., etc.

As a bank, the World Conservation Bank must add value to be viable. The WCB could add value in several ways:

- it could solicit funds from international banks (private sector) for the purpose of financing (or co-financing, with the MDBS and/or the aid agencies) conservation-oriented projects in developing nations, the private banks being encouraged to fund projects and programmes where the identification of economic yields can be determined (e.g. developing commercial ventures related to the non-consumptive uses of living resources, like tourism, game farms, etc., in conjunction with the private sector); perhaps, forming part of larger and more comprehensive development projects;
- it could participate in the lease, purchase, development and management of environmentally important habitat and wildlife necessary to maintain or increase biological diversity;
- it could enter into arrangements with multi-national companies, many of which have made major investments in developing nations, and in some cases developed significant trading relationships, encouraging them to enter into projects which could be financed or co-financed by the banks;

- it could work in close liaison with field staff of the IUCN, other international bodies, local governments and local and international non-governmental organizations, with a view to:
  - . assisting with the identification of suitable projects and programmes (national conservation strategies);
  - . packaging such projects and programmes;
  - . marketing projects to investors (banks and multilateral development banks) and down or (aid agencies);
  - . controlling and monitoring expenditures once finance has been obtained;
  - . post-project monitoring in conjunction with local parties;
- it would provide a highly professional service, acting as a facilitator between investor and/or donor and the recipient programme or country;

The WCB would need excellent credibility with the aid agencies, the multilateral development banks and other international organizations, since it would aim to obtain funds from those organizations on the assumption that the funds could be put to more productive use.

#### Sources of Automatic Financing

The search for new and especially more automatic sources and means for financing international action goes almost as far back as the United Nations itself. It was not until the Plan of Action to Combat Desertification was approved by the UN General Assembly in late 1977, however, that governments were able to approve officially the



principle of automatic transfers. That Plan called for the establishment of a special account which could draw its resources from "Member States, international taxation, multilateral financing institutions and interest-free loans, and additional measures of financing, including fiscal measure entailing automaticity, which should be the subject of a study by a group of high-level experts in international financing".

A series of studies over the next few years, and relevant reports by the Brookings Institutions and the Dag Hammarskjold Foundation, provided the principal basis for the options set out in Annex I. These include potential sources of revenue from:

1. Revenue from the Use of International Commons
2. Taxes on International Trade
3. International Financial Measures

Following consideration by the Commission, those of special interest will be developed in the draft chapter for consideration at the Moscow meeting.

Footnote to section 8

- 1) In a submission to the Commission, a suggested breakdown of capital was Class 'A' shares - Governments; Class 'B' shares - Government 'agencies' (e.g. USAID, CIDA); Class 'C' shares - World Bank and multilateral development banks; Class 'D' shares - Private international banks; Class 'E' shares - Multinational corporations; Class 'F' shares - NGOs (WWF, Sierra Club, IUCN); Class 'G' shares - Private foundations; Class 'H' shares - Private citizens
  - WCB could be funded to the extent of three times paid-up capital (World Bank is funded over six times) in the world financial markets under the auspices of the World Bank: i.e. the World Bank would accept responsibility for funding function (in view of private banks' involvement they may require some say in funding);
  - although it is expected that some of the activities of the WCB will provide for economic returns, it is acknowledged that, at least in the first 5 - 10 years after incorporation, the WCB will incur annual deficits (no estimates available at this stage). Total annual deficits will be reimbursed by shareholders in proportion to total capital and form shareholders' "annual subscription";
  - ongoing expenses of the WCB: many of the people resources of the WCB would be provided by shareholders: its offices could, perhaps, be housed in premises adjacent to an existing organization. The WCB would be a low cost operation;

## ANNEX I

### OPTIONS FOR NEW SOURCES OF REVENUES FOR INTERNATIONAL ACTION

#### A. REVENUE FROM THE USE OF INTERNATIONAL COMMONS

##### (i). Revenue from Ocean Fishing and Transportation

1. The living resources and right of passage for that larger part of the world's oceans beyond national jurisdiction are in principle open for use by all nations with no international economic obligations. Proposals for charging fees for the exploitation of the ocean's living resources as well as the right of passage have been made, for example, in the UN General Assembly, the FAO Council and the UNEP Governing Council. The Brandt Commission also included ocean fishing among its proposals on automatic revenue sources for development.

##### (ii) Revenue from Sea-Bed Mining

2. The establishment of exclusive economic zones extending 200 nautical miles or more offshore removes from the international domain that approximately one-third of the ocean area containing most of the known and technically exploitable petroleum reserves. At present, the only evident potential source of international revenue would be from the mining of manganese nodules from the deep sea-bed. The economic value of the nodules derives from the nickel, followed by copper, manganese, cobalt, and possibly molybdenum and vanadium, contained in them.

3. Under the Law of the Sea Convention (LOS), there would be three kinds of potential international revenue from mining beyond the 200 mile limit: taxes (shares of net proceeds) and royalties (production charge) from the exploitation by others of non-living sea-bed resources; income from operations by the LOS Enterprise itself; and payments and contributions in kind with respect to the exploitation of the extended continental shelf.

4. Taking into account various factors, including uncertainties about the technical feasibility and profitability of sea-bed mining, the UNEP experts group estimated that the international revenue would range from about \$50 million to \$390 million in 1992, and approximately double that by the year 2000.

5. Under the Convention this revenue would accrue to the LOS Authority. After payment of its own administrative costs, the remaining funds would go to State parties to the Convention on the basis of equitable sharing criteria. There is, however, partial provision for giving special

attention to the interests and needs of developing countries, particularly the least developed and land-locked amongst them. This provision could provide a legal basis for using at least some of the remaining funds to assist countries in mitigating or avoiding environmental problems of international significance such as desertification or tropical deforestation.

(iii) Revenue from Antarctic Resources

6. International revenue could be derived from the future exploitation of the various known and potential resources of Antarctica and the southern oceans, notably krill and hydrocarbons which are believed to be substantial. However, the legal status of Antarctica is unclear, and there is considerable reluctance among some States to recognize the Antarctic continent and adjacent seas as part of the global commons.

(iv) Parking Charges for Geostationary Communications Satellites

7. Two special attributes of the physical universe have been proposed as part of the global commons: telecommunications wave-lengths and parking spaces or slots in outer space for geostationary communications satellites. Economic rents for the use of these physical attributes could, in principle, be appropriated for international purposes.

8. An early suggestion was to levy a small surtax on all international telephone, telegramme and telex charges. However, as long distance telecommunications increasingly involves satellites, an alternative would be to levy taxes or charges on parking slots for geostationary communications satellites.

9. International taxation of the satellites themselves is apparently precluded by provisions in the 1966 Treaty on the use of outer space. Geostationary orbital positions, however, are analogous to sea-bed resources as they are finite, increasingly scarce, and under the 1966 Treaty can also be considered to belong to all of mankind. The international appropriation of the rental value of their use could therefore be justified.

10. Rather than setting arbitrary rental values, the UNEP experts group suggested that a more efficient approach would be to allow competitive bidding for the parking slots. The revenue from these bids, in the form of annual fees for the duration of the slot assignment, could then be used for international purposes.

11. With the high growth of demand for telecommunication satellite services and an annual average parking fee per slot of between half and one million dollars, the UNEP experts group estimated that the annual international revenue in the year 2000 would be between \$400 and \$800 million.

(v) Charges for Marine Pollution

12. The most visible pollutants of the marine environment are oil and petroleum products. A differential tax on ships favouring those which had installed anti-pollution technology (such as segregated ballast tanks) would induce polluters to reduce emissions and, to the extent that total elimination of emissions was uneconomic, would produce some continuing revenue for international purposes.

13. The UNEP experts group estimated that such a tax would initially yield \$30 million annually but decline to half that by the year 2000 as new ships with new technology were introduced. Though referred to as a tax, it is actually more of a pollution prevention measure than a significant revenue-raising mechanism.

B. TAXES ON INTERNATIONAL TRADE

14. Proposals to obtain revenue for international purposes through taxes on international trade in goods and services have been discussed within and outside the UN system for some time. The first formal request for a study on the practical use of such taxes by any UN body originated from the 1977 UN Conference on Desertification. Relevant proposals were examined in depth the following year in a study by the Brookings Institution and, subsequently, by the UNEP group of experts. The Brandt Commission also included taxes on trade among the measures it recommended as useful for enlarging the flow of official development finance.

15. There are two major alternative approaches to such taxation, either a gross sales tax levied world-wide on a broad mix of goods and services or a more narrowly based tax levied on specific categories of goods. Different types of trade levies are briefly presented below.

(i) General Trade Tax

16. The principal advantage of a general trade tax levied on essentially all commercial trade and on all trading nations is that its large base provides a high revenue-raising potential. In addition, as proposed by the UNEP experts group, the tax would normally be collected from imports and the availability of a virtually world-wide network of national custom authorities with common classification standards could readily facilitate the collection of it.

17. The UNEP experts group proposed a tax rate of 0.1 per cent as this would be too small to be considered as threatening to reduce the volume of trade through import substitution or exert any sufficiently visible pressure to raise consumers inflationary expectations to any meaningful extent. At that rate they estimated revenue of \$30 billion by 1987. The Brandt Commission proposed a 0.5 per cent levy on international trade.

18. In levying such a tax, adjustments would have to be made to avoid the discriminatory and regressive effects of taxing imports at a uniform rate, as the latter would weigh most heavily on small and low-income countries. Proposals for moderating this include:

- (a) Introduce a variable representing the degree of dependency of each country on international trade so as to achieve greater equity between heavily dependent and more self-sufficient countries (e.g. one or more ceilings limiting the rate of tax to a maximum percentage of GNP for smaller countries with low per capita incomes.);
- (b) Allow the small and more trade-dependent countries to retain a part of their tax collections, the rate of retention varying inversely to each country's population;
- (c) Exempt the lowest-income countries entirely, regardless of size.

19. The UNEP experts group proposed that the legal foundation for taxing world trade could be established through a basic treaty or convention, and require the creation of a permanent international treasury to carry out its provisions. They also recommend that measures should be taken to ensure the democratic participation of all Member States in the decision-making process, though the composition of the management and policy-making organs should be structured in principle to reflect the relative importance of each signatory State's expected revenue contribution.

20. The revenue-raising potential of an international trade tax is not only higher than for other proposals but, once adopted, would have a considerable degree of automaticity in that a country would have to withdraw from the treaty for its contribution to cease.

(ii) Tax on Specific Traded Commodities

21. At the UN General Assembly in 1976 the delegation of Saudi Arabia proposed a tax of \$0.01 per barrel of oil (as well as a voluntary tax of 0.1 to 0.2 per cent on arms sales) to provide additional funds to meet global environmental and other development needs.

22. A general tax on the trade of crude and refined oil products was also suggested in the 1977 report of the UNEP experts group, at the 1980 meeting of the ACC Task Force on Long-Term Development Objectives, and by the Brandt Commission. The latter also proposed that the general trade taxes on hydrocarbons and other exhaustible minerals be considered as well.

(iii) Tax on Invisibles

23. The Brandt Commission raised the possibility of levies on international investment, international air travel and freight transport. It estimated that a 1.0 per cent levy on international passenger and freight transport could yield around \$250 million annually, with a growth of around 10 to 15 per cent each year.

24. Regarding other services, the UNEP experts group pointed out that many are inherently difficult to capture for taxation except at considerable administrative costs, especially those not generally subject to import duties and tariffs collected by regular customs agencies. Similarly, they considered that taxes on services payments for commissions, royalties and management or copyright fees would be administratively difficult and likely be widely circumvented and evaded.

(iv) Taxes on Surpluses in Balance of Trade

25. At the UN Conference on Science and Technology for Development, the developing countries made a joint proposal for contributions from developed countries which would be calculated on the basis of a percentage of their average quinquennial surpluses in their balance of trade in manufactured goods with developing countries.

(v) Consumption Tax on Luxury Goods

26. A proposed consumption tax on luxury goods, with the revenue to be used for international development, was initially discussed 15 years ago by the UN Committee for Development Planning.

27. The proposal involved taxing a limited number of luxury goods (e.g. private aircraft, pleasure boats, automobiles, television sets, etc.) which indicated a relatively high standard of living by the purchaser. The tax would be assessed at a low uniform rate of about 0.5 per cent of the purchase price and be collected by the national taxation authorities. The revenue would be provided by the collecting government to international organizations chosen by them from a list adopted by the UN General Assembly. The Brandt Commission also included a tax on durable luxury goods among its proposals on sources for international revenue.

### C. INTERNATIONAL FINANCIAL MEASURES

#### (i) Link between SDR's and Development Finance

28. Special Drawing Rights (SDR's) are currently allocated in proportion to the quota's of IMF members so that roughly speaking only about one-quarter presently accrue to the non-oil exporting developing countries. Proposals to link SDR's with development finance have a long history, but first began to receive serious attention by and after the Pearson Commission in the late 1960's. That Commission proposed that developed countries relinquish a part of their SDR quotas in favour of less developed countries by channeling them to the IDA for relending them to developing countries. Since then, various alternative mechanisms for implementing such a link have been developed and extensively discussed.

29. In their "Study on Financing the Plan of Action to Combat Desertification", the UNEP experts group recommended an "indirect link". Although SDR allocations would remain proportionate to Fund quotas, the link would be accomplished by an agreement among developed countries to transfer a pre-determined portion of their SDR allocation, or the equivalent in currency, to existing or new development finance institutions for anti-desertification purposes. In their view the proposal could be implemented without an amendment of the IMF articles.

30. The development finance or anti-desertification institution receiving SDR's through such a link mechanism could secure significant funds for lending with an interest subsidy element or use them to generate some multiple amount of commercial borrowings at reduced rates under a set of guarantees for antidesertification programmes or for other issues of global significance such as the loss of tropical forests.

#### (ii) IMF Gold Reserves and Sales

31. One of the Brandt Commission proposals was that IMF gold reserves be used as collateral for borrowing for international development purposes. However, the UNEP experts group pointed out that this would require possible time consuming amendments to IMF articles and instead recommended a gold sales procedure which they considered could be accommodated within the present IMF articles.

32. The experts group proposed that most of the remaining gold held by the IMF be auctioned or otherwise disposed of over a ten to fifteen year period, and that ten per cent of the profits not directly distributed to developing country members of the IMF be earmarked for desertification control programmes. Under that formula they estimated a total revenue of several billion dollars for such programmes over the 10-15 year period.